

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

State of Ohio, <i>et al.</i> ,	:	Case No. 1:24-cv-417
	:	
Plaintiffs,	:	
	:	Judge Susan J. Dlott
v.	:	
	:	
Charles Horton,	:	Order Adopting Report and
	:	Recommendation
Defendant.	:	

This matter is before the Court on the Magistrate Judge's Report and Recommendation. (Doc. 7.) Although proper notice was given to both parties pursuant to 28 U.S.C. § 636(b)(1)(C), no objections have been filed. For the reasons set forth below, the Court will **ADOPT** the Magistrate Judge's Report and Recommendation. This action will be remanded back to the state court from which it was removed, and Horton will be declared a harassing and vexatious litigator along with filing restrictions, which are set forth more fully herein.

This case is the fourth attempt by Horton to improperly remove an action to federal court. *See also State of Ohio v. Charles Horton*, No. 1:19-cv-838, 2019 WL 5696065 (S.D. Ohio, Nov. 4, 2019); *State of Ohio v. Charles Horton*, No. 1:19-cv-837 (S.D. Ohio, Nov. 4, 2019); *State of Ohio v. Charles Horton*, No. 1:17-cv-403 (S.D. Ohio, Oct. 30, 2017). The Court has twice previously admonished Horton that that Court may impose sanctions if he attempts to improperly remove a civil or criminal action to federal court. *See State of Ohio v. Charles Horton*, No. 1:19-cv-838, 2019 WL 5696065, at \*1 (S.D. Ohio, Nov. 4, 2019); *State of Ohio v. Horton*, No. No. 1:17-cv-403 (S.D. Ohio, November 4, 2019) (Order).

As detailed in the Report and Recommendation, Horton has yet again improperly removed a pending state criminal action. After thorough review, the Court adopts the Report and

Recommendation, which recommends finding that this Court lacks subject matter jurisdiction over the removed criminal action and that this case should be remanded to state court.

The Court also adopts the Magistrate Judge's recommendation that Horton be declared a vexatious litigant whose filing is enjoined with restrictions. Despite this Court's prior admonitions, Horton filed yet another frivolous lawsuit, for which sanctions are appropriate. Horton is therefore enjoined from filing any additional complaints or notices of removal in the United States District Court for the Southern District of Ohio which have not first been certified as non-frivolous by an attorney in good standing in this Court or the jurisdiction in which he or she is admitted, or alternatively, which are accompanied with payment of the full filing fee. The Court also adopts the Magistrate Judge's recommendation that should Horton file a new action in state court that is subsequently removed to this federal court that, within 30 days of its removal, Horton shall submit a certification that meets the pre-filing restrictions outlined above.

Finally, the Court adopts the Magistrate Judge's recommendation that the Court certify pursuant to 28 U.S.C. § 1915(a) that for the foregoing reasons an appeal of any Order adopting this Report and Recommendation would not be taken in good faith and therefore deny Horton leave to appeal *in forma pauperis*.

**IT IS SO ORDERED.**

BY THE COURT:

  
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Susan J. Dlott  
United States District Judge